

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ACP, INC.,

Plaintiff,

v.

SKYPATROL, LLC, et al.,

Defendants.

Case No. 13-cv-01572-PJH

**ORDER GRANTING MOTION TO
DISMISS SKYPATROL'S
COUNTERCLAIM; DENYING MOTION
TO DISMISS GORDON HOWARD'S
COUNTERCLAIMS**

Re: Dkt. Nos. 77, 78

Plaintiff ACP, Inc.'s motions to dismiss Skypatrol, LLC's counterclaim and to dismiss Gordon Howard Associates Inc.'s counterclaims came on for hearing before this court on October 19, 2016. ACP and counterclaim-defendant Christopher Nicholson appeared through their counsel, Rachel Kinney. Defendant Skypatrol appeared through its counsel, Jason Yurasek. Defendant Gordon Howard Associates appeared through its counsel, David Makman. Having read the papers filed by the parties and carefully considered their arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS the motion to dismiss Skypatrol's counterclaim (Dkt. 77) and DENIES the motion to dismiss Gordon Howard Associates' counterclaims (Dkt. 78), for the reasons stated at the hearing.

Skypatrol shall have until **November 16** to file an amended answer that provides the specific who, what, when, and where regarding its fraud counterclaim, as well as facts supporting an inference of intent and falsity. The amended answer shall not contain new counterclaims. ACP will have 21 days to respond to the amended answer.

IT IS SO ORDERED.

Dated: October 19, 2016



PHYLLIS J. HAMILTON
United States District Judge